

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM  
Section 3: Rio Cebolla

Subfile No. CHCB-008-0001

**MOTION TO AMEND THE CONSENT ORDER**  
**FILED JULY 31, 2002 IN SUBFILE NO. CHCB-008-0001 DESCRIBING**  
**THE WATER RIGHTS OF CLYDE C. BAKER AND THERESA BAKER**

Plaintiff State of New Mexico, *ex rel.* State Engineer, (“State”) moves the Court to amend the Consent Order filed July 31, 2002 (Doc. 6795) in subfile CHCB-008-0001 describing the water rights of defendants Clyde C. Baker and Theresa Baker (“Bakers”). As grounds therefore Plaintiff states:

1. The Consent Order filed July 31, 2002 (Doc. 6795) in subfile CHCB-008-0001 does not include a description of the priority or amount of water associated with the storage reservoir described in paragraph C of the Consent Order. These elements of the Bakers’ water rights were reserved for future determination. *See* Consent Order at 3 & 4. The State has reviewed the information in the water rights files of the Office of the State Engineer, including the provisions of OSE License No. 2631-2735, and the State believes that the Bakers have the right to store water from the Rincon Blanca Ditch as follows:

**Priority:** August 3, 1951

**Amount of Water:** The filling and refilling of storage reservoir having a

maximum capacity of 75 acre feet in a total amount not to exceed 960 acre feet per annum in combination with water diverted for direct use for irrigation purposes on 320 acres of land described in Paragraph A of the Consent Order filed July 31, 2002 (Doc. 6795).

2. The Bakers do not oppose the granting of this motion.

WHEREFORE, the State requests the Court to amend the description of the priority and amount of water associated with the storage reservoir described in paragraph C of the Consent Order filed July 31, 2002 (Doc. 6795) as described above in paragraph 1.

Pursuant to the Court's February 4, 2013 Order (Doc. 10891), the State requests the Clerk of the Court to mail a copy of the approved Order requested in this Motion to the parties listed below at the address listed.

Respectfully submitted,

/s/ Felicity Strachan  
FELICITY STRACHAN  
EDWARD G. NEWVILLE  
*Special Assistant Attorneys General*  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 819-1044  
felicity.strachan@state.nm.us

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 24<sup>th</sup> day of August, 2018, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

Via first class mail, postage prepaid addressed as follows:

Clyde C. Baker  
Theresa Baker  
P.O. Box 245

/s/ Felicity Strachan  
FELICITY STRACHAN